



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/580,255

06/07/2006

Ake Sjoberg

TPP 32006

1992

74217 7590 09/29/2008

NOVAK, DRUCE + QUIGG L.L.P.

1300 Eye Street, N.W.

1000 West Tower

Washington, DC 20005

EXAMINER

MUSSER, BARBARA J

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

09/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/580,255 | <b>Applicant(s)</b><br>SJOBERG, AKE |  |
|                              | <b>Examiner</b><br>BARBARA J. MUSSER | <b>Art Unit</b><br>1791             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/22/06</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.(U.S. Publication 2004/0086678A1).

Chen et al. discloses a method of making a decorative element by providing a core with a textured surface, applying a design layer, applying a protective wear layer made of a thermosetting resin, and curing the combination so that the layers are bonded together.([0014], [0021]-[0022]; [0030]-[0047]) The references does not disclose pressing the layers together under increased pressure and temperature to bond them together and cure the thermosetting resin. One in the art would understand that a thermosetting resin would be subjected to increased temperature to cure. The reference also discloses applying a texture to the wear layer(Figure 3). The texture is applied to the core layer via a platen press with increased pressure and temperature.[0043] It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a platen press with increased pressure and temperature to cure the wear layer while embossing it since the reference discloses using increased pressure and temperature in a press to apply a texture and that texture can be applied to the wear layer.

Art Unit: 1791

Regarding claim 2, 4-6, 11 13, and 14, while the reference does not disclose these specific methods of applying texture, they appear to be well-known and conventional methods as applicant has not described them in any detail, indicating that those in the art know how to use the devices to perform the desired tasks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed pressing methods since such appear to be well-known and conventional methods of applying texture as evidenced by applicant's lack of description of them.

Regarding claims 15 and 16, the core layer can be fiber board or particle board.[0021]

3. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. '678 as applied to claim 1 above, and further in view of Chen et al.(U.S. Patent 6,617,009).

Chen et al. '678 does not disclose the decorative layer or the wear layer being paper, i.e. cellulose impregnated with resin. Chen et al. '009 discloses a flooring material with a core, a decorative layer, and a wear layer, wherein the decorative layer is made of a urea formaldehyde impregnated paper and the wear layer is made of the same thing.(Col. 8, ll.40-54; Col. 9, ll. 5-13) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cellulose paper impregnated with urea formaldehyde for both the decorative layer and the wear layer since such as extremely well-known in the decorative laminate arts as shown for example by Chen et al.'009. While the reference does not explicitly state the paper is

Art Unit: 1791

cellulose, paper is conventionally made from wood fibers, which are cellulose, and a paper made from plastic would not be capable of being impregnated.

Regarding claims 9 and 10, Chen et al. '678 discloses that aluminum oxide particles with a particle size of 20-200 nanometers can be present in the wear layer, and Chen et al. '009 discloses these particles can be in the paper used as the wear layer.(Col. 9, ll. 5-18)

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. as applied to claim 1 above, and further in view of the admitted prior art.

The reference cited above does not disclose using a press foil to apply a design. The admitted prior art discloses it is known to use press foils to apply designs to decorative laminates.(Pg. 1) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a press foil to apply the texture to the wear layer while applying pressure since this is a known method of applying texture as shown by the admitted prior art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA J. MUSSER whose telephone number is (571)272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone

Art Unit: 1791

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJM

/B. J. M./

Examiner, Art Unit 1791

/Richard Crispino/

Supervisory Patent Examiner, Art Unit 1791